

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JOSE RAMOS, individually and on behalf of all :  
other employees similarly situated; FRANCIS :  
RIVERA, individually and on behalf of all other :  
employees similarly situated; and GUILLERMO :  
IGNACIO, individually and on behalf of all :  
other employees similarly situated, :  
Plaintiffs, :  
v. :  
GREENWICH CATERING CORP. d/b/a :  
Turkiss; EB2, INC. d/b/a Turkiss; MARK :  
KOHLER a/k/a Max; and CANTURK YILMAZ :  
a/k/a John, :  
Defendants. :  
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**ORDER ADOPTING  
REPORT AND  
RECOMMENDATION**

18 CV 4790 (VB)

Briccetti, J.:

Before the Court is Magistrate Judge Sarah Netburn’s Report and Recommendation (“R&R”), dated January 15, 2020, on plaintiffs’ motion for entry of default judgment against defendants. (Doc. #67). Magistrate Judge Netburn recommended the Court grant in part and deny in part plaintiff’s motion. Specifically, Judge Netburn recommended: (i) plaintiff Jose Ramos be awarded \$53,816.80 in damages, inclusive of prejudgment interest through January 22, 2019; (ii) plaintiff Francis Rivera be awarded \$20,893.99 in damages, inclusive of prejudgment interest through January 22, 2019; (iii) plaintiff Guillermo Ignacio be awarded \$26,784.00 in damages, inclusive of prejudgment interest through January 22, 2019; and (iv) plaintiffs’ application for attorneys’ fees and costs be denied without prejudice to refiling with supporting documentation. (Id. at 22).

A district court reviewing a magistrate judge’s report and recommendation “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate

judge.” 28 U.S.C. § 636(b)(1). Parties may raise objections to the magistrate judge’s report and recommendation, but they must be “specific[,] written,” and submitted within fourteen days after being served with a copy of the recommended disposition, Fed. R. Civ. P. 72(b)(2); 28 U.S.C. § 636(b)(1), or within seventeen days if the parties are served by mail. See Fed. R. Civ. P. 6(d). The case docket indicates defendants are in default, having failed to appear or defend this action, despite having been served with process and plaintiff’s motion for default judgment.

No parties have objected to Judge Netburn’s thorough and well-reasoned R&R. The Court has carefully reviewed the R&R, the first amended complaint, and plaintiffs’ submissions, and finds no error, clear or otherwise.<sup>1</sup>

Accordingly, the Court adopts the R&R as the opinion of the Court, and plaintiffs’ motion for default judgment is GRANTED IN PART and DENIED IN PART. Plaintiff Ramos shall be awarded \$53,816.80 in damages; plaintiff Rivera shall be awarded \$20,893.99 in damages; and plaintiff Ignacio shall be awarded \$26,784.00 in damages.

Plaintiffs’ motion for attorneys’ fees and costs, submitted January 29, 2020, will be considered in due course. (Doc. #69). Thereafter, the Court will direct plaintiffs to submit a proposed judgment.

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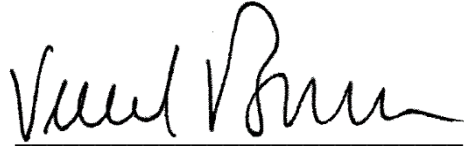
<sup>1</sup> There are two typographical errors in Section III.B.6 of the R&R, with respect to Rivera’s entitlement to prejudgment interest. The second sentence of Section III.B.6 reads as follows: “I find that Plaintiff Rivera is entitled to \$453.07 or nine percent interest on \$5,760.00 . . .” (R&R at 19). This sentence instead should read: “I find that Plaintiff Rivera is entitled to \$432.29 or nine percent interest on \$5,495.85 . . .” However, Judge Netburn based her prejudgment interest calculation on the correct numbers, so the typographical errors are of no consequence.

Further, in Section III.C.6 of the R&R, with respect to Ignacio’s entitlement to prejudgment interest, the sole reference to “\$8,113.86” (see R&R at 21) instead should read “\$8,114.86.” However, here too, Judge Netburn based her prejudgment interest calculation on the correct numbers, so the typographical error is of no consequence.

The Clerk is instructed to terminate the motion. (Doc. #58).

Dated: February 7, 2020  
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read 'Vincent Briccetti', written over a horizontal line.

Vincent L. Briccetti  
United States District Judge